

City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 032-05

1156 NORTH ONTARE ROAD

CUP, TENTATIVE SUBDIVISION MAP, MODIFICATIONS

APRIL 28, 2005

APPLICATION OF WYNMARK CO., AGENT FOR WYNPAC IV, LLC (PROPERTY OWNER), 1156 NORTH ONTARE ROAD, APN 055-160-028, A-1/SINGLE-FAMILY RESIDENTIAL ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 1 UNIT/ACRE (MST2004-00196).

The project involves the division of a 14.77-acre (gross) parcel into nine lots, ranging in net size from 0.94 acre to 5.59 acres, for future residential development. Infrastructure improvements related to the subdivision are proposed, including a new public road, curb, gutter, public drainage system and utilities, private bioswale drainage feature, residential street lights, and fire hydrants. Although development of the newly created lots is not proposed at this time, development and building envelopes have been proposed for each lot. The proposed project requires the following discretionary applications:

1. A Conditional Use Permit to allow a Planned Residence Development (PRD) in the A-1 Zone (SBMC §28.94.030.G);
2. A Tentative Subdivision Map to allow the division of one parcel into nine lots (SBMC Chapter 27.07);
3. A Modification to allow the existing garage on proposed Lot 7 to encroach into the required 15-foot interior yard setback (SBMC §28.92.026); and
4. A Modification to allow proposed Lot 6 to provide less than 100 feet of frontage on a public street (SBMC §28.15.080).

The Planning Commission will also consider approval of the Mitigated Negative Declaration prepared for the project (ENV2004-00196) pursuant to the California Environmental Quality Act Guidelines Section 15074.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 4 people appeared to speak in favor of the application, and 3 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 7, 2005
2. Site Plans
3. Correspondence received in support of the project:

Sandra Castellino, 105 No. Ontare Road

4. Correspondence received in opposition to the project:
 - a. Daryl & Melissa Abrams, 257 Morada Lane
 - b. Todd & Alice Amspoker, 247 Morada Lane
 - c. Tim Sullivan, 1268 No. Ontare Road

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

The proposed subdivision is compatible with the surrounding residential neighborhood and a PRD approach to development on this site is appropriate given the steeper topography and sensitive resources in the southeastern portion of the site. The project is in compliance with the Zoning Ordinance and is consistent with applicable General Plan policies including cultural resources, housing, biological resources, visual resources, safety, and circulation.

A. Mitigated Negative Declaration Findings

1. The Planning Commission has considered the proposed Final Mitigated Negative Declaration, dated April 7, 2005, for 1156 North Ontare Road (MST2004-00196), and comments received during the public review process. The proposed Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project at 1156 North Ontare Road (MST2004-00196).
2. Mitigation measures identified in the Mitigated Negative Declaration have been agreed-to by the applicant and incorporated into the project, which would avoid or reduce all potentially significant impacts to less than significant levels. Additional mitigation measures would be applied as conditions of approval to minimize adverse but less than significant environmental effects. In the Planning Commission's independent judgment and analysis based on the whole record, there is no substantial evidence that the project at 1156 North Ontare Road (MST2004-00196) will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated April 7, 2005, is hereby adopted.
3. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the project at 1156 North Ontare Road (MST2004-00196) and is hereby adopted.
4. The location and custodian of documents associated with the environmental review process and decision for the project at 1156 North Ontare Road (MST2004-00196) is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.

5. The project at 1156 North Ontare Road (MST2004-00196) does not have the potential to result in a significant effect on fish and wildlife resources. The project meets the criteria for "de minimis" impacts and qualifies for a waiver of the California Department of Fish and Game review fee.

B. Public Street Frontage Modification (SBMC §28.92.026)

The modification is consistent with the purposes and intent of the Zoning Ordinance and it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement. Proposed Lot 6 would not be located directly on a public street; however, a narrower private driveway would provide access to the lot from the public road, which is a more environmentally sensitive means of accessing the lot, given the dense tree cover in the area.

C. Setback Modification (SBMC §28.92.026)

In order for the Planning Commission to approve the requested modification to allow the existing garage on Lot 7 to encroach approximately four to six feet into the required 15-foot interior yard setback, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

While the proposed lot lines could be re-aligned to avoid such an encroachment of an existing building, the proposed configuration ensures that Lot 8 has adequate public street frontage (100') and affords that lot more area and flexibility in locating a future residence on the property. Thus, the modification is consistent with the purposes and intent of the Zoning Ordinance in terms of providing frontage on a public street, and is necessary to secure an appropriate improvement on the lot.

D. Conditional Use Permit (SBMC §28.94.020)

1. The use is deemed essential or desirable to the public convenience or welfare and is in harmony with the various elements or objectives of the Comprehensive General Plan. The proposal is consistent with the General Plan, which identifies this area as a single family neighborhood.
2. The use will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved. The proposed single family development would be compatible with the existing single family residential use in the neighborhood.
3. The total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided. The proposed residential use is compatible with the surrounding residential neighborhood. The proposed use of the site, lot

configurations, and building and development envelopes will not cause a significant detrimental impact as they relate to existing buildings on the property or surrounding properties.

4. Adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time. Future development of single family homes on the property will require that at least two covered parking spaces be provided on each lot; nine (9) public parking spaces will also be provided on the new public street, constructed as part of the subdivision improvements.
5. The appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area. The density and scale of the proposed subdivision will be compatible with the surrounding development in the area. The future development of individual lots will be subject to review and approval by the Architectural Board of Review to ensure compatibility with the arrangement, height, architectural style, location of parking areas, and landscaping of the surrounding neighborhood.

E. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the Land Use Element and zoning designation for the site, and the vision for this neighborhood in the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems or conflict with easements, acquired by the public at large, for access through or use of property within the proposed development

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property," which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall be recorded in the Office of the County Recorder:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
2. **Allowed Development.** The project approved by the Planning Commission on April 28, 2005 is limited to the subdivision of a 14.77-acre lot into nine lots, and the improvements shown on the Tentative Map, signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

As shown on the Tentative Map, existing and proposed habitable structural development on the individual parcels, including, but not limited to, primary residences, guest houses, studios, garages, and cabanas shall be limited to the areas designated as "Building Development Envelope Areas."

As shown on the Tentative Map, all areas not designated in either a "Building Development Envelope Area" or "Setback Area" shall remain in an undeveloped condition. No grading or ground disturbance is allowed to occur outside these Building Development Envelope Areas or Setback Areas, with the exception of utility corridors to serve the property. The Owner shall continue to be responsible for maintenance of the restricted area and compliance with orders of the Fire Department for vegetation management.

The setback area along Ontare Road shall be added to show actual building restrictions. The development envelope for Lot #1 shall be revised to increase the setback from Ontare Road to 35 feet and to remove the easterly building envelope on Lot #7. A discreet sign shall be provided at the trailhead, either in the ground or on a post.

3. **Design Review.** Future development of individual lots is subject to the review and approval of the Architectural Board of Review (ABR). Development shall be reviewed by the ABR for consistency with design guidelines these conditions of approval, and the Mitigation Monitoring and Reporting Program. The new residences in the subdivision shall be designed and built in a manner that will not conflict with, or result in any potential adverse impact on, the existing historic adobe residence and cottage on the property.
4. **Landscape Plan Compliance.** The Owner shall comply with Landscape Plan(s) for development of the individual lots, as approved by the Architectural Board of Review (ABR). Such plan(s) shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan(s). Landscape plans shall adhere to the Fire Department Landscape Guidelines for properties that are in the High Fire Hazard Area. (H-1)

5. **Oak Tree Protection.** Oak trees not indicated for removal on the site plan shall be preserved, protected, and maintained in the following manner (BIO-1). These measures shall be reproduced on all future grading and/or landscape plans.
- a. During construction, fencing or protective barriers shall be placed around the driplines of all oak trees within 25 feet of development (BIO-2).
 - b. No grading shall occur under any oak tree dripline except as indicated on the drainage and grading plan for construction of the road and driveway. Grading within the dripline during road or driveway construction shall be minimized and shall be done with light (1 ton) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist (BIO-3).
 - c. A qualified Arborist shall be present during any grading or excavation beneath, or within ten feet (10') of, the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist (BIO-4).
 - d. No storage of heavy equipment or materials, or parking shall take place within 5 feet of the dripline of any oak tree(s) (BIO-5).
 - e. Landscaping provided under the oak trees shall be compatible with preservation of the trees as determined by the Architectural Board of Review (ABR). No irrigation systems shall be installed under any oak tree (BIO-6).
 - f. Oak trees greater than four inches in diameter removed as a result of the project shall be replaced on a 3:1 ratio at a minimum five gallon size from Coastal Santa Barbara County stock. The northern and eastern portions of Lot 6 are suitable "receiver sites" for oak restoration (BIO-7).
 - g. Oak seedlings and saplings less than 4 inches in diameter that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum 1:1 ratio. Replacement trees shall be minimum 1-gallon size derived from Coastal Santa Barbara County stock (BIO-8).
 - h. A revegetation plan shall be prepared, detailing the location, methods of propagation and maintenance, and goals and objectives for tree replacement (BIO-9).
 - i. A Tree Protection Plan shall be prepared, outlining measures to prevent incidental damage and removal of native trees during construction. Measures should include temporary fencing, limbing or root pruning

under the direction of an arborist or biologist, and consultation with the project engineer regarding changes in grade and drainage in the vicinity of coast live oak trees (BIO-10).

6. **Nesting Birds.** Tree removal, vegetation removal, and grading shall be limited to the period between August 1st and March 1st, unless a survey, prepared by a qualified biologist and approved by the Planning Division, determines that no nesting birds would be affected and/or establishes a sufficient buffer area to avoid impacts to nesting sites (BIO-11).
 7. **Eucalyptus Tree Removal.** In order to maintain a visual separation between the project site and neighboring development to the north, a vegetated buffer shall be maintained along the northern property line, consistent with the High Fire Hazard Landscape Guidelines and the City view dispute resolution process (SBMC Chapter 22.76). Replacement trees shall be native coast live oak or sycamore trees. (A-3)
 8. **Management of Animal Wastes.** Future residential development of the individual lots shall comply with the current Santa Barbara County Health Care Services "Guidelines for Management of Animal Wastes." (W-5)
 9. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer.
 10. **Fire Safety Program.** The Fire Safety Program for the development shall be updated as necessary to keep residents informed about: 1) the High Fire Hazard Area Landscape Guidelines; 2) the Santa Barbara County Red Flag Alert Plan; 3) alternative routes for evacuation, and; 4) other measures to prevent or reduce wildland fire hazards. Also, encourage participation in the Firesafe Council for the North Ontare Road Neighborhood.
 11. **Drainage Improvements.** Drainage improvements associated with the development of each individual lot shall be installed and maintained consistent with the design and measures set forth in the Preliminary Drainage Analysis by Flowers & Associates, dated January 31, 2005. Improvements may be adjusted on a case-by-case basis to respond to the amount of proposed impervious surface, but shall achieve the goal of no net increase in off-site runoff over existing conditions for a 100-year storm event. Bioswales shall be located to avoid damage to the root systems of trees. (W-1)
- B. **Public Works Submittal Prior to Final Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department for review and approval prior to the recordation of the Final Map for the project.

1. **Final Map Submittal.** A Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
2. **Street Improvement Plans.** C-1 public improvement plans for construction of the improvements on the new street, Ontare Hills Lane, and new curb and gutter along the subject property frontage on existing Ontare Road. Public Works C-1 Improvement Plans shall be submitted separately from Building Permit plans. As determined by the Public Works Department, the improvements shall include City standard curb, gutter and driveway, asphalt concrete, concrete pavement on aggregate base, underground utilities, City water and sewer mains, curb drain outlets, three (3) residential street lights, style to be determined by the Street Light Sub-committee, to City standard, coordinate, preserve and/or reset contractor stamp and/or survey monuments, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The C-1 public improvement plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
3. **Public Trail Easement.** The owner shall provide the City with an irrevocable offer to dedicate a 10-foot wide easement for public trail purposes, providing a link between the new public road to the west and the real property owned by the County of Santa Barbara adjacent to the Jesusita Trail to the east. The course of the easement shall follow the County Flood Control easement from the new public road to the eastern property line of the Real Property, then it shall follow a southerly course along the eastern property line in such a manner as to allow the development of a public trail linking the new public road to the real property owned by the County of Santa Barbara adjacent to the Jesusita Trail. Except for the portion of the easement lying within the County Flood Control easement, the easement for public trail purposes shall automatically be abandoned and extinguished at such time as the City accepts a replacement public trail easement, along the County Flood Control easement or otherwise, that completes the connection between the new public road to the west and the real property owned by the County of Santa Barbara adjacent to the Jesusita Trail to the east. A small sign shall be placed at the trailhead, either in the ground or on a post, subject to the City Sign Ordinance, that states there is a trail open to the public. The offer to dedicate shall be in a form approved by the City Attorney.
4. **Agreement for Land Development Improvements.** An Executed Agreement for Land Development Improvements and improvement security for construction of improvements.
5. **Best Management Practices.** New residential development projects shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall

seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.

6. **Water Rights Assignment.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from the Real Property. This assignment of rights shall not include a right of surface entry on or from the Real Property. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.

C. **Community Development Department Submittal Prior to Final Map Recordation.** The Owner shall submit the following or evidence of completion of the following to the Community Development Department for review and approval prior to the recordation of the Final Map for the project.

1. **Historic Designation.** The Owner shall apply for, and not oppose, a recommendation by the Historic Landmarks Commission to the City Council for the designation of the existing adobe residence and garage as a City Landmark and the existing residential cottage as a Structure of Merit.
2. **Photo Documentation.** Document the following features of the property following the requirements of the City's "Required Documentation Prior to Demolition" handout, with large format photography: 1) entrance gates; 2) network of driveways and roads (excluding flood control road); 3) each elevation of the house, garage, and cottage in order to preserve a record of the buildings within their original context, and; 4) selected images of the site. (CR-2)
3. **Documentation Submittal.** Submit copies of the Historic Structures Report and the mitigation photography to the Santa Barbara Historical Society, Gledhill Library, and the City of Santa Barbara Planning Division. (CR-3)

D. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):

1. **Future Residences.** Development shall be reviewed by the ABR for consistency with design guidelines, the Mitigation Monitoring and Reporting Program, and these conditions of approval. The new residences in the subdivision shall be designed and built in a manner that will not conflict with, or result in any potential adverse impact on, the existing historic adobe residence and cottage on the property.
2. **Landscape Plan Compliance.** The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan(s). Landscape plans shall adhere to the Fire Department Landscape Guidelines for properties that are in the High Fire Hazard Area.

3. **Lighting.** Street lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects.
 4. **Oak Tree Protection.** Oak tree protection measures outlined in Condition A.5 shall be reproduced on the grading and/or landscape plan(s).
- E. **Required Prior to Building/Grading Permit or Public Works Permit Issuance.** The Owner shall submit the following or evidence of completion of the following to the Community Development Department prior to the issuance of any Building Permit or a Public Works Permit for the subdivision or any subsequent development of the individual parcels.
1. **Mitigation Monitoring and Reporting Requirement.** The owner shall submit to the City's Environmental Analyst the monitoring program for the project's mitigation measures, as stated in the Mitigated Negative Declaration or the Environmental Impact Report for the project. A Project Environmental Coordinator (PEC) and Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The mitigation monitoring program shall apply to the subdivision and the subsequent development of the individual parcels and shall include, but not be limited to:
 - a. A list of the project's mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
 2. **Project Environmental Coordinator.** A qualified representative for the Owner or individual lot owner, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
 3. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department (Engineering and Transportation Divisions), Building Division, Planning Division, and the Property Owner(s), Architect, Arborist, Landscape Architect, Biologist, Project Engineer, Historian, Project Environmental Coordinator, Mitigation Monitors, Contractor and Subcontractor(s), as applicable.

4. **Revegetation Plan.** A revegetation plan shall be prepared per Condition A.5.h. for review and approval by the Planning Division.
 5. **Tree Protection Plan.** A Tree Protection Plan shall be prepared per Condition A.5.i. for review and approval by the Planning Division
 6. **Soils Report.** A soils report shall be submitted to, and approved by, Building & Safety Division Staff prior to the issuance of building permits for infrastructure improvements and development of the individual lots. Any improvement of the individual parcels shall adhere to all recommendations of the soils report(s). (G-1)
 7. **Solid Waste Management Plan.** A solid waste management plan identifying measures for reuse, source reduction, and recycling shall be developed for construction and operation of the proposed project, and submitted to the City's Environmental Analyst and the County's Solid Waste Division for review and approval. (PS-1)
 8. **Fire Safety Program.** A Fire Safety Program, approved by the Fire Department, shall be developed to keep residents informed about: 1) the High Fire Hazard Area Landscape Guidelines; 2) the Santa Barbara County Red Flag Alert Plan; 3) alternative routes for evacuation, and; 4) other measures to prevent or reduce wildland fire hazards.
- F. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building and Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Lighting.** Street lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Architectural Board of Review (A-2).
 2. **Oak Tree Protection.** Oak tree protection measures outlined in Condition A.5 shall be reproduced on the grading and/or landscape plan(s).
 3. **Entrance Piers.** The entrance piers shall be dismantled in such a manner that their sandstone blocks can be re-used for the new entrance. The design and configuration of the new piers shall draw their inspiration from the existing piers. (CR-4)
 4. **Drainage Improvements.** Drainage improvements associated with the development of each individual lot shall be installed and maintained in a manner consistent with the design and measures set forth in the Preliminary Drainage Analysis by Flowers & Associates, dated January 31, 2005. Improvements may be adjusted on a case-by-case basis to respond to the amount of proposed impervious surface, but shall achieve the goal of no net increase in off-site

runoff over existing conditions for a 100-year storm event. Bioswales shall be located to avoid damage to the root systems of trees. (W-1)

5. **Erosion Control.** The following temporary erosion control measures shall be taken during construction:

- a. Temporary construction fencing shall be installed along the downslope edges of the development envelopes. The purpose of this fencing is to prevent disturbance outside of the building envelope and to prevent material from rolling downslope.
- b. Should grading be performed during the rainy season (November 1 to April 1), a row of silt fencing shall be installed along the downslope edge of the development envelopes and secured to the temporary construction fencing.
- c. All temporary soil stockpiles shall be contained within development envelopes. Should grading occur during the rainy season, the contractor shall cover all stockpiled material prior to a storm event to prevent erosion and sediment transport. (G-2)

6. **Erosion Control/Water Quality Plan.** An Erosion Control/Water Quality Plan shall be developed for construction activities to maintain all sediment on-site and out of the drainage system. The plan shall include Best Management Practices approved by the City and Regional Water Quality Control Board, and shall include, at a minimum, the following:

- a. Minimize the area of bare soil exposed at one time (phased grading).
- b. Install silt fence, sand bag, hay bale or silt devices where necessary around the project site to prevent offsite transport of sediment.
- c. Bare soils shall be protected from erosion by applying heavy seeding, within five days of clearing or inactivity in construction.
- d. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- e. During construction of the homes, the contractor and/or property owner shall protect the storm drain inlets from sediment-laden runoff.
- f. Erosion control materials (i.e. sandbags, strawbales, and silt fencing) shall be used to trap and filter sediment before entering the storm drain.
- g. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
- h. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff

and more than 50 feet away from a storm drain, open ditch or surface water. (W-2)

7. **Biofiltration.** Project site runoff should be collected and routed through landscaped areas to facilitate biofiltration to the maximum extent feasible. (W-3)
8. **Storm Drain Markings.** Stenciled information shall be printed on all curb storm drains warning of the direct connection to the creek and ocean. (W-4)
9. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph. (AQ-1)
10. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin. (AQ-2)
11. **Construction Dust Control – Gravel Pads.** Gravel pads shall be installed at all access points to prevent tracking of mud on to public roads. (AQ-3)
12. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by: (AQ-4)
 - a. Seeding (with native plant stock) and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District.
13. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., should be paved as soon as possible. Additionally, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-5)

14. **Construction Equipment/Construction Noise Mitigation.** All construction equipment and vehicles shall be maintained in tune per manufacturer's specifications. All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices. (AQ-6 & N-3)
15. **Unanticipated Archaeological Resource Discovery Procedures and Mitigation.** Standard discovery measures shall be implemented per the City Master Environmental Assessment throughout grading and construction:

Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts.

If during any grading or construction on the site such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and a City-approved archaeologist shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, including but not limited to redirection of grading and/or excavation activities. If the findings are potentially significant, further analysis and/or other mitigation shall be prepared and accepted by the Environmental Analyst and the Historic Landmarks Commission, and implemented by the project Work in the area may only proceed after the Environmental Analyst grants authorization.

If prehistoric or other Native American remains are encountered, a Native American representative shall be consulted, and the archaeologist and Native American representative shall monitor all further subsurface disturbances in the area of the find.

If the discovery consists of potentially human remains, the Santa Barbara County Coroner and the California Native American Heritage Commission must also be contacted.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of final City permits. (CR-1)
16. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 8:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below: (N-1)

New Year's Day January 1st
Martin Luther King Jr.'s Birthday 3rd Monday in January
President's Day 3rd Monday in February
Memorial Day Last Monday in May
Independence Day July 4th
Labor Day 1st Monday in September
Thanksgiving Day 4th Thursday in November
Following Thanksgiving Day Friday following the 4th Thursday in November
Christmas Day December 25th

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday. (N-2)

Notwithstanding the prohibition above, when, based on required construction type or other appropriate reasons, it is necessary to do work outside the hours allowed, owner/contractor may request a waiver from the construction hour limitations from the Chief of Building and Safety in accordance with the procedure outlined in SBMC§9.16.015, Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of the intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

17. **Contact Information.** Signage shall be posted at the points of entry to the site that list the contractor(s) name and phone number, work hours, and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions. Signage location shall be readily visible from public viewing areas and shall be a minimum of 24" x 18" in size.
18. **Construction Notification.** At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site. (N-1)
19. **Construction Recycling.** Construction-related solid waste shall be minimized through source reduction, re-use and recycling, and bins shall be provided on the site for that purposes in order to minimize construction-generated waste conveyed to the landfill.
20. **Construction Traffic.** The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the

Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods. (T-1)

21. **Construction Parking.** Construction parking shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Transportation and Parking Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited. (T-2)
22. **Storm Water Quality.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
23. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Stormdrain System.** Stormdrain system that includes surface and/or subsurface detention facilities on each lot to establish no net increase in off-site drainage impacts. This may be accomplished by drywells, cellular stormwater storage

systems, gravel-based tank storage detention/infiltration systems, vegetated swales, or similar measures.

2. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
3. **Complete Public Improvements.** Public improvements as shown on the C-1 public improvement plans.

- H. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION TIME LIMITS:


The Planning Commission's action approving the tentative subdivision shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code section 27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 28th day of April, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 1 (White) ABSTAIN: 0 ABSENT: 2 (Jacobs & Larson)

PLANNING COMMISSION RESOLUTION No. 032-05
1156 No. ONTARE ROAD
APRIL 28, 2005
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I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Deana Rae McMillion, Admin/Clerical Supervisor

9-22-05

Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.